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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,097	11/30/1999	SHUICHI WATANABE	0033-0630P	8589
7590	05/20/2005		EXAMINER	
BIRCH STEWART KOLASCH BIRCH LLP			LEE, RICHARD J	
P O BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 220400747			2613	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/451,097	WATANABE, SHUICHI
	Examiner	Art Unit
	Richard Lee	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,5-27,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 5-14,19-26 and 38 is/are withdrawn from consideration.
- 5) Claim(s) 15-18 is/are allowed.
- 6) Claim(s) 1, 27, 37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

1. Newly submitted claim 38 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The particular features of “storing frame feature values in association with **a plurality of frames of encoded image data**”, “a first frame feature value generating unit generating a first frame feature value for a given one of said plurality of frames based on **prediction mode information from the plurality of frames**”, “a second frame feature value generating unit generating a second frame feature value for the given one of said plurality of frames based on motion vector statistics from the plurality of frames”, and “a frame feature value storing unit operably connected to said first and second frame feature value generating units storing said first frame feature value and said second frame feature value in association with said given one of the plurality of frames” as shown in claim 38 are directed to an invention that is independent and distinct from the invention originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 38 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Takashima of record (5,754,233).

Takashima discloses a compression encoding apparatus and recording apparatus and the same method of associating frame feature values with a plurality of frames of image data (see Figure 11, column 14, line 57 to column 15) as claimed in claim 37, comprising the same calculating statistics of motion vector information related to the image data (i.e., as provided by motion estimation circuit 103 of Figure 11, since scene changes are detected by exploiting of motion vector detection operations performed by motion estimation circuit 103, with the exploiting of motion vectors providing the calculating of statistics of motion vector information, as claimed, see column 15, lines 11-20, lines 32-67); and generating a frame feature value comprising numerical information representing a quantity of a feature contained in a frame of the image data using the calculated statistics (i.e., as provided by 101 of Figure 11, and see column 15, lines 7-48).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima as applied to claim 37 in the above paragraph (3), and further in view of Nagasaka et al of record (6,400,890).

Takashima discloses substantially the same method of associating frame feature values with a plurality of frames of image data as above, further including substantially the same image retrieval information storing apparatus for storing frame feature values in association with a plurality of frames of image data as claimed in claims 1 and 27, comprising substantially the same calculating unit for calculating statistics of motion vector information related to the image data (i.e., as provided by motion estimation circuit 103 of Figure 11, since scene changes are detected by exploiting of motion vector detection operations performed by motion estimation circuit 103, with the exploiting of motion vectors providing the calculating of statistics of motion vector information, as claimed, see column 15, lines 11-20, lines 32-67); frame feature value generating unit (i.e., as provided by 101 of Figure 11, and see column 15, lines 7-48) for generating a frame feature value which is numerical information representing quantity of a feature contained in a frame of the image data using the calculated statistics, the frame feature value generating unit generates the frame feature value based on the motion vector information (see column 15, lines 7-48); and coding information reading unit (i.e., within 103 of Figure 11) for reading motion vector information from the image data which is coded.

Takashima does not particularly disclose, though, a frame feature value storing unit being connected to the frame feature value generating unit for storing the frame feature value in correlating form with the frame of the image data as claimed in claim 1. However, Nagasaka et al teaches the conventional use of a frame feature value storing unit (i.e., 126 or 128 of Figure 2)

for storing frame feature value in correlating form with the frame of the image data, and wherein the frame feature value storing unit (126 or 128 of Figure 2) is connected to the frame feature value generating unit (130 of Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Takashima and Nagasaka et al references in front of him/her and the general knowledge of frame feature generation and storing, would have had no difficulty in providing the frame feature value storing unit 126 or 128 of Nagasaka et al to be connected to the frame feature value generating unit 101 of Figure 11 of Takashima for the same well known buffering of data for timely processings and featured frame representation purposes as claimed.

6. Claims 15-18 are allowed.

7. The applicant's arguments from the amendment filed December 30, 2004 have been noted, considered, and addressed in the above rejections (see above paragraphs (3) and (5)).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2613

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with alternate Fridays off.



A handwritten signature in black ink, appearing to read "RICHARD LEE". Below the signature, the text "RICHARD LEE" and "PRIMARY EXAMINER" is printed in a smaller, stylized font.

Richard Lee/rl

5/17/05



A handwritten signature in black ink, appearing to read "RICHARD LEE".